

1 Honorable Robert S. Lasnik
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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON, AT SEATTLE**

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10 BOARD OF TRUSTEES OF THE
11 EMPLOYEE PAINTERS' TRUST; BOARD
12 OF TRUSTEES OF THE WESTERN
13 GLAZIERS RETIREMENT FUND; BOARD
14 OF TRUSTEES OF THE DISTRICT
15 COUNCIL NO. 5 APPRENTICESHIP AND
16 TRAINING TRUST FUND; BOARD OF
17 TRUSTEES OF THE FINISHING TRADES
18 INSTITUTE; BOARD OF TRUSTEES OF
19 THE PAINTERS AND ALLIED TRADES
20 LABOR-MANAGEMENT COOPERATION
INITIATIVE,

Case No.: 2:25-cv-00337-RSL

STIPULATED MOTION TO STAY CASE

21 Plaintiffs,

22 vs.

23 VETRO BUILDING ENVELOPE, LLC, a
24 Maryland limited liability company; JEFFREY
25 A. JENNINGS, an individual; ARTHUR L.
BURKINDINE, JR., an individual; DONALD
W. TAYLOR, III, an individual; DOES & ROES
I-X,

Defendants.

The Plaintiffs, Board of Trustees of the Employee Painters' Trust, *et al.* ("Plaintiffs"), acting by and through their counsel, Christensen James & Martin, and Defendants Vetro Building Envelope, LLC, Arthur L. Burkindine, Jr., and Donald W. Taylor, III ("Defendants"), acting by and through their counsel, Blank Rome, hereby stipulate as follows:

STIPULATED MOTION TO STAY CASE
(2:25-cv-00337-RSL)
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CHRISTENSEN JAMES & MARTIN
7440 W. Sahara Ave., Las Vegas, NV 89117
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Counsel for the Plaintiffs

1 1. The Plaintiffs filed their Complaint in this matter on February 21, 2025, wherein they
 2 allege the right as employee benefit trust funds governed by the Employee Retirement Income Security
 3 Act (“ERISA”) to review the employment, payroll, and contract records of Defendant Vetro Building
 4 Envelope, LLC (“Vetro”), to ensure compliance with the terms and conditions of applicable collective
 5 bargaining agreements and trust agreements. Such a payroll compliance review is commonly called an
 6 “Audit.”

7 2. Defendant Vetro acknowledges that it was served with the Summons and Complaint in
 8 this matter on March 6, 2025.

9 3. Defendant Arthur L. Burkindine acknowledges that he was served with the Summons and
 10 Complaint in this matter on March 6, 2025.

11 4. Defendant Donald W. Taylor, III, acknowledges that he was served with the Summons
 12 and Complaint in this matter on March 12, 2025.

13 5. Defendants agree that within two (2) weeks of the date of this Stipulation they will provide
 14 Plaintiffs’ Auditor, Berry & Co. CPAs (“Auditor”), with the following records for the time period of
 15 August 1, 2023 through December 31, 2024 (“Audit Period”) by uploading the same to the Auditor’s
 16 secure electronic portal:

- 17 a. Annual payroll records showing all employees, including details on hours worked and
 paid delineated as follows: Regular, overtime, double time, holiday, sick time, and all
 other non-worked hours. Monthly payroll records may also be requested by the Auditor,
 and will be provided by Vetro, if necessary after the Auditor’s review of the annual payroll
 records.
- 18 b. Federal annual earnings reports: Form W-2, W-3, 1099, and 1096.
- 19 c. State quarterly contribution and wage reports submitted to state agencies for purposes of
 state unemployment insurance and/or worker’s compensation insurance, including all
 pages showing employees and gross earnings.
- 20 d. Roster of all employees including job title/duties, wage rate/salary, hire and term dates.

- 1 e. Jobsite listing, including name of job, city, state, and county, if possible, broken down by
- 2 year, with start and end dates, general contractors, if any, and subcontractors, if any.
- 3 f. List of subcontractors, if any, including information describing work performed and
- 4 copies of subcontract agreements.
- 5 g. Monthly fringe benefit contribution remittance reports submitted to the Plaintiffs or any
- 6 other employee benefit plan.
- 7 h. General ledger and cash disbursement records with backup documentation such as
- 8 invoices on an as needed basis.
- 9 i. A copy of a completed Management Representation Letter on company letterhead,
- 10 executed by the individual most qualified for Vetro to make the assertions listed, and
- 11 accompanying forms.

12 6. The Defendants will further cooperate with any other reasonable request by the Auditor
13 for additional records that the Auditor deems necessary to complete the Audit for the Audit Period.

14 7. This Stipulation to allow the Audit is made to avoid protracted litigation with
15 accompanying costs and is not an admission of liability, waiver of defenses, or modification of any
16 collective bargaining agreement or trust agreement on the part of any party.

17 8. The parties agree that the deadline for Defendants to file an answer or responsive pleading
18 and all other case deadlines shall be stayed and/or extended for ninety (90) days from the date of entry of
19 Order on this Stipulation to allow time for the Audit to be completed.

20 9. Two weeks prior to the expiration of the stay, the parties will file a joint status report to
21 update the Court on the status of the Audit and how the parties intend to proceed.

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1 10. The stay does not apply to any motions that may be brought related to compliance with
2 this Stipulation.

3 DATED this 7th day of April, 2025.

4 CHRISTENSEN JAMES & MARTIN

5 By: /s/ Wesley J. Smith
6 Wesley J. Smith, Esq.
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11 Email: wes@cjmlv.com
12 *Counsel for Plaintiffs Board of
13 Trustees of the Employee Painters'
14 Trust, et al.*

DATED this 7th day of April, 2025.

BLANK ROME LLP

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*Counsel for Defendants Vetro Building
Envelope, LLC, Arthur L. Burkindine, Jr.,
and Donald W. Taylor, III*

ORDER

Good Cause Appearing, Defendants shall submit to and cooperate with the Audit in accordance with the foregoing Stipulation, and this Case and all deadlines shall be extended and stayed for a period of ninety (90) days in accordance with the Stipulation. All other provisions of the Stipulation are also approved and Ordered.

DATED this 10th day of April, 2025.


HONORABLE ROBERT S. LASNIK
United States District Judge

Presented by:

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